United Nations

Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council

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Fifty-third session
Supplement No. 47 (A/53/47)

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Note

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

[5 August 1999]

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Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council

Chapter I

Introduction

1. At its forty-eighth session, the General Assembly decided, in its resolution 48/26 of 3 December 1993, to establish an Open-ended Working Group to consider all aspects of the question of increase of the membership of the Security Council and other matters related to the Security Council. The full text of the resolution is reproduced in annex I to the present report.

2. The Open-ended Working Group began its deliberations in January 1994. The mandate of the Working Group was extended by the General Assembly at its forty-eighth through fifty-second sessions.[1] Reports on the progress of its work were submitted by the Working Group to the General Assembly at its forty-eighth, forty-ninth, fiftieth, fifty-first and fifty-second sessions.[2]

3. On 24 August 1998, in its decision 52/490, the General Assembly decided that the Open-ended Working Group should continue its work and submit a report to the Assembly before the end of the fifty-third session, including any agreed recommendations. The present report is prepared and submitted pursuant to that decision.

4. On 23 November 1998, the General Assembly adopted resolution 53/30 with regard to one of the agenda items of the Working Group, namely, "Majority required for taking decisions on Security Council reform". The resolution reads as follows:

> "*The General Assembly,*
>
> "*Mindful* of Chapter XVIII of the Charter of the United Nations and of the importance of reaching general agreement as referred to in resolution 48/26 of 3 December 1993, *determines* not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Security Council and related matters, without the affirmative vote of at least two thirds of the Members of the General Assembly."

Chapter II

Proceedings of the Working Group during the fifty-third session of the General Assembly

5. The President of the General Assembly, H.E. Dr. Didier Opertti Badan (Uruguay), served as Chairman of the Working Group. Ambassadors Hans Dahlgren (Sweden) and John de Saram (Sri Lanka) were appointed on 2 December 1998 as Vice-Chairmen of the Working Group.

6. During the fifty-third session of the General Assembly, the Open-ended Working Group held six substantive sessions on the following dates: first session, from 8 to 19 February 1999; second session, from 8 to 12 and 22 to 24 March 1999; third session, from 12 to 23 April 1999; fourth session, from 10 to 14 May 1999; fifth session, from 16 to 25 June 1999; and sixth session, from 19 to 30 July 1999. A total of 53 meetings were held during the six sessions. During these sessions, delegations made several written as well as oral proposals related to the issues discussed. Reference was also made to proposals and/or position papers submitted during previous sessions and annexed to previous reports of the Working Group. All proposals remain on the table. The Working Group affirmed that the work of the General Assembly on Security Council reform should be conducted in conformity with the relevant Assembly resolutions, fully respecting the need for transparency and open-endedness.

A. First session of the Working Group

7. At its first session, from 8 to 19 February 1999, the Working Group adopted its programme of work (see annex III). The Working Group also agreed to begin in-depth discussions on the first item, "Working methods of the Security Council and transparency of its work" (referred to in the present report for the purpose of convenience as "cluster II") and on the third item, "Expansion of the Security Council" (referred to for the purpose of convenience as "cluster I").

8. It was also agreed that cluster I and cluster II should continue to be considered by the Working Group in tandem, meaning that the Working Group should, in terms of time and emphasis, consider cluster I and cluster II in a similar and balanced manner. In general, meetings on cluster I issues were chaired by the Chairman of the Working Group, while meetings on cluster II issues were chaired by each of the Vice-Chairmen alternatively.

9. The Working Group undertook general discussions on cluster I issues. In relation to cluster II issues the Working Group used as a basis for discussion conference room paper A/AC.247/1998/CRP.4/Rev.2, which had been prepared by the Bureau during the fifty-second session of the General Assembly (see annex IV).

B. Second session of the Working Group

10. Consideration of cluster II issues continued during the second session, which was held from 8 to 12 and 22 to 24 March 1999. During the session the Working Group completed its first reading of conference room paper A/AC.247/1998/CRP.4/Rev.2. In addition, the Working Group discussed item 2 of its programme of work, "Decision-making in the Security Council, including the veto", and item 4, "Periodic review of the enlarged Security Council".

C. Third session of the Working Group

11. At its third session, from 12 to 23 April 1999, the Working Group continued its discussions on the expansion of the Security Council and on its working methods. The first week of discussion focused on issues of cluster I. The Bureau presented conference room paper A/AC.247/1999/CRP.2 of 13 April 1999 (see annex V) as a list of issues. A new version of A/AC.247/1999/CRP.2 was subsequently distributed on 14 April 1999 (see annex VI).

12. The Bureau also prepared a revised conference room paper on working methods of the Security Council and transparency of its work (A/AC.247/1999/CRP.3 and Add.1; see annex VII), which formed the basis of further discussions on cluster II issues.

D. Fourth session of the Working Group

13. At its fourth session, from 10 to 14 May 1999, the Working Group continued its consideration of cluster I issues, taking into account conference room paper A/AC.247/1999/CRP.2 (see annex VI). A revised version of the paper was prepared by the Bureau and circulated on 14 May 1999 as A/AC.247/1999/CRP.2/Rev.1 (see annex VIII). The paper was subsequently discussed at the fifth session (see para.16 below).

14. The Working Group continued to discuss cluster II issues based on conference room paper A/AC.247/1999/CRP.3 and Add.1 (see annex VII). The Working Group completed its first reading of the paper.

15. In addition, the Working Group again discussed item 2 of its programme of work, "Decision-making in the Security Council, including the veto", and item 4, "Periodic review of the enlarged Security Council", on the basis of conference room papers A/AC.247/1998/CRP.10/Rev.1 and A/AC.247/1998/CRP.13/Rev.1.

E. Fifth session of the Working Group

16. At its fifth session, from 16 to 25 June 1999, the Working Group continued its consideration of cluster I issues. Discussions were based on conference room papers A/AC.247/1999/CRP.2/Rev.1 prepared by the Bureau (see annex VIII and para.13 above) and A/AC.247/1999/CRP.4 submitted by Colombia on behalf of 17 other Member States (see annex IX).

17. The Working Group also continued its consideration of cluster II issues based on a further reading of conference room paper A/AC.247/1999/CRP.3 and Add.1 (see annex VII). A number of delegations proposed amendments.

18. In addition, the Working Group discussed the question of "institutionalization" referred to under each of the sections of conference room paper A/AC.247/1998/CRP.4/Rev.2 (see annex IV), namely the form in which provisions would be finally recorded.

F. Sixth session of the Working Group

19. At its sixth session, from 19 to 30 July 1999, the Working Group continued to discuss both cluster I and cluster II issues. During the session, the following conference room papers were submitted:

- A/AC.247/1999/CRP.6, containing a letter dated 28 July 1999 from the Permanent Representative of the Arab Republic of Egypt in his capacity as Chairman of the Working Group of the Movement of Non-Aligned Countries on the reform and restructuring of the Security Council (see annex X);
- A/AC.247/1999/CRP.7, containing a letter dated 29 July 1999 from the Permanent Representative of Algeria transmitting the African position on the question of equitable representative on and increase in the membership of the Security Council (see annex XIII);
- A/AC.247/1999/CRP.8, containing a letter dated 29 July 1999 from the Permanent Representative of Korea transmitting a letter dated 22 December 1997 signed by ten elected members of the Security Council: Chile, Costa Rica, Egypt, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of Korea and Sweden (see annex XIV).

20. Concerning cluster II issues, provisional agreement was recorded on a number of subparagraphs in the conference room paper dealing with the working methods of the Security Council and transparency of its work. The second reading of that paper covered the entire chapter II ("Relationship between the Security Council, the General Assembly and the general membership of the United Nations"), but time did not permit a similar discussion of chapters III to VI. A revised version of the paper (A/AC.247/1999/CRP.3/Rev.1) was distributed at the end of the sixth session (see annex XI). This revised version indicates which subparagraphs have been provisionally agreed upon and, where no provisional agreement was reached, lists all amendments which have been offered on other subparagraphs during the fifth and the sixth sessions.

21. At the sixth session the Working Group also considered its report to the General Assembly.

Chapter III
General observations

22. The participation of delegations in the Working Group was of a substantial nature. An increasing number of delegations stated their views on the main issues before the Working Group.

23. In both oral and written statements, all aspects of the main issues of cluster I, as well as the implications of the different ideas for an enlarged Security Council, were examined in great detail.

24. A number of delegations made oral or written statements in response to a letter dated 22 June 1999 (A/AC.247/1999/CRP.5; see annex XII), sent by the Chairman of the Working Group to all missions inviting them, particularly those that had not done so before, to comment on cluster I and other related issues. Other delegations felt that statements made previously in the Working Group, by them or on their behalf, constituted a sufficient response to the letter of the Chairman.

25. Progress in the consideration of a number of issues under cluster II was recorded as reflected in A/AC.247/1999/CRP.3/Rev.1). The manner in which other provisions should be finally worded would need further discussion.

26. In relation to most issues of cluster I, as well as items 2 and 4 of the programme of work, substantial differences of view still remain. Owing to the importance of the subjects being debated in the Working Group, which affect vital interests of States, and the great sensitivity and caution with which all matters — whether procedural or substantive — are approached by delegations, progress towards a general agreement on the main issues has been very slow. Differences of opinion continue to exist with regard to, among other issues, the category or categories of the new members in an enlarged Security Council.

27. Notwithstanding the differences of view, in the course of the discussions a number of elements emerged that may prove useful when the Working Group resumes it work. These include:

(a) The Open-ended Working Group continues to be the appropriate forum in which to pursue the efforts aimed at reforming the Security Council on the basis of General Assembly resolution 48/26;

(b) To ensure that the United Nations will continue to play the role assigned to it by the Charter, it is important to reform the composition and functioning of the Security Council so as to strengthen its authority and make it more equitably representative and more capable of continuing to assume its primary responsibility for the maintenance of international peace and security;

(c) In order to strengthen the role and function of the Security Council, one way is to ensure a more equitable representation of the membership of the United Nations in that organ, in accordance with the sovereign equality of States and other relevant provisions of the Charter, and to make its work more transparent;

(d) A more equitable representation in the Security Council may be obtained by increasing the number of its members, taking into account the substantial increase in the membership of the United Nations, especially of developing countries, as well as the changes in international relations;

(e) The number of members of an enlarged Security Council should be from 20 to 26 as a minimum;

(f) In the context of the discussions of the Working Group, the question of the enlargement of the Security Council implies the consideration of the question of the veto;

(g) The scope and modalities of the periodic review of an enlarged Security Council should be further considered by the Working Group;

(h) The question of the equitable representation on and increase in the membership of the Security Council and the question of the working methods of the Security Council, the transparency of its work and its decision-making process should be considered as integral parts of a common package. It is reaffirmed that there is a continued need to improve the working methods and the decision-making process of the Security Council towards greater openness, transparency and representativity.

Chapter IV
Recommendations

28. At its 53rd meeting, on 30 July 1999, the Open-ended Working Group concluded its work for the current session of the General Assembly and decided to recommend that consideration of this item be continued at the fifty-fourth session of the Assembly, building upon the work done during the previous sessions. To that end, the Working Group recommends to the General Assembly the adoption of the following draft decision:

> "*The General Assembly*, having considered the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,[3] established pursuant to its resolution 48/26 of 3 December 1993:
>
> (a) *Takes note* of the report of the Working Group on its work during the fifty-third session of the General Assembly;
>
> (b) *Decides* that the Working Group should continue its work, taking into account the progress achieved during the forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second and fifty-third sessions, as well as the views to be expressed during the fifty-fourth session of the Assembly, and submit a report to the Assembly before the end of the fifty-fourth session, including any agreed recommendations."

Notes

[1] General Assembly decisions 48/498, 49/499, 50/489, 51/476 and 52/490.

[2] *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 47* (A/48/47); ibid., *Forty-ninth Session, Supplement No. 47* (A/49/47); ibid., *Fiftieth Session, Supplement No. 47* (A/50/47); ibid., *Fifty-first Session, Supplement No. 47* (A/51/47); and ibid., *Fifty-second Session, Supplement No. 47* (A/52/47).

[3] Ibid., *Fifty-third Session, Supplement No. 47* (A/53/47).

Annex I

General Assembly resolution 48/26 of 3 December 1993

Question of equitable representation on and increase in the membership of the Security Council

The General Assembly,

Recalling its resolution 47/62 of 11 December 1992,

Noting with appreciation the report of the Secretary-General which reflected the views of a number of Member States on the agenda item entitled "Question of equitable representation on and increase in the membership of the Security Council",

Recalling also the relevant provisions of the Charter of the United Nations, especially Article 23,

Recalling further that the Members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf,

Recognizing the need to review the membership of the Security Council and related matters in view of the substantial increase in the membership of the United Nations, especially of developing countries, as well as the changes in international relations,

Bearing in mind the need to continue to enhance the efficiency of the Security Council,

Reaffirming the principle of the sovereign equality of all Members of the United Nations,

Acting in accordance with the purposes and principles of the Charter,

Mindful of the importance of reaching general agreement,

1. *Decides* to establish and Open-ended Working Group to consider all aspects of the question of increase in the membership of the Security Council, and other matter related to the Security Council;

2. *Requests* the Open-ended Working Group to submit a report on the progress of its work to the General Assembly before the end of its forty-eighth session;

3. *Decides* to include in the provisional agenda of its forty-eighth session an item entitled "Question of equitable representation on and increase in the membership of the Security Council and related matters".

Annex II

General Assembly resolution 53/30 of 23 November 1998

Question of equitable representation on and increase in the membership of the Security Council and related matters

The General Assembly,

Mindful of Chapter XVIII of the Charter of the United Nations and of the importance of reaching general agreement as referred to in resolution 48/26 of 3 December 1993,

determines not to adopt any resolution or decision on the question of equitable representation on and increase in the membership of the Security Council and related matters, without the affirmative vote of at least two thirds of the Members of the General Assembly.

Annex III

Programme of work of the Open-ended Working Group during the fifty-third session of the General Assembly*

1. Working methods of the Security Council and transparency of its work.
2. Decision-making in the Security Council, including the veto.
3. Expansion of the Security Council:
   (a) Total size of the enlarged Security Council;
   (b) Increase in the permanent membership (including issues of extension of the veto to the new permanent membership and permanent regional representation);
   (c) Increase in the non-permanent membership (including the possibility of an increase, for the time being, only in this category of membership).
4. Periodic review of the enlarged Security Council.
5. Other matters.
6. Report of the Open-ended Working Group to the General Assembly.

* Previously issued as A/AC.247/1999/CRP.1.

Annex IV

Conference room paper submitted by the Bureau of the Open-ended Working Group: working methods of the Security Council and transparency of its work, as well as its decision-making process*

I. Introduction

1. During the fifty-first session of the General Assembly, the Open-ended Working Group achieved substantial progress in its discussions on the working methods and transparency of the Security Council. The debates were based on the negotiating paper of the Movement of Non-Aligned Countries on cluster II issues,[a] which was first submitted to the Working Group in March 1997, and on conference room papers 3 and 8 of the Bureau.[b] During its deliberations in July 1997, the Working Group continued its discussion of working methods and transparency of the Council. However, no new conference room paper was prepared as a result of the discussions at that time. The Bureau, therefore, during the fifty-second session of the General Assembly, prepared document A/AC.247/1998/CRP.4, which took into account earlier discussions. It was subsequently revised and issued as document A/AC.247/1998/CRP.4/Rev.1. The present draft attempts to incorporate the views expressed, in April and May 1998, during the deliberations on revision 1 of conference room paper 4.

II. Relationship between the Security Council, the General Assembly and the general membership of the United Nations

A. Meetings of the Security Council

2. Suggested improvements to the present practice:[c]

(a) The Security Council should conduct its business in a public format open to all Member States of the United Nations;

(b) When it so decides, the Security Council may meet in private and/or conduct its business in consultations of the whole;

(c) The Security Council should hold substantive orientation debates open to all Member States at the beginning of its consideration of any substantive matter;

(d) [The Security Council should, more often, conduct open debates and orientation discussions on the important items at the ministerial level;]

(e) Open public meetings should also be held, as appropriate and with the concurrence of the Secretary-General, when he/she, his/her special representatives and/or special envoys or the heads or representatives of United Nations bodies, agencies or field missions report to the Council.**

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* Previously issued as A/AC.247/1998/CRP.4/Rev 2; also reproduced in *Official Records of the General Assembly, Fifty-second Session, Supplement No. 47* (A/52/47), annex V.

** "Agencies" refers to United Nations organizations established under separate treaties outside the organs of the United Nations, whereas "bodies" refers to those organizations established pursuant to resolutions of the General Assembly or the Economic and Social Council.

3. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Programme of work of the Security Council and agenda of its meetings and informal consultations

4. Suggested improvements to the present practice:

(a) In addition to the Security Council's monthly forecast of its programme of work distributed to all Member States, the Council's provisional monthly schedule of work and its updated versions should also be circulated as soon as they have been agreed upon by the Council. Whenever possible, the Council should consider its monthly programme of work at a formal meeting;

(b) The provisional agenda, including indications about actions expected to be taken at Security Council meetings (e.g., decisions on draft resolutions and presidential statements, reports, exchanges of views, etc.) and the agenda for informal consultations of the whole, including a list of issues to be discussed under other matters whenever they are known in advance, should be included in the *Journal of the United Nations*.

5. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

C. Briefings by the President of the Security Council to non-members, availability of draft resolutions and summaries of meetings and consultations

6. Suggested improvements to the present practice:

(a) The present practice followed by the Presidency of the Security Council of briefing non-members should be continued. The briefings should take place immediately after meetings or informal consultations of the Council. Whenever possible, interpretation should be provided for these briefings. Briefings for non-members should be closed and held before briefings for the media. The President of the Council will decide whether written records of such briefings should also be distributed. If written records of the briefings are to be provided, they should also be transmitted to the Permanent Missions to the United Nations through electronic mail;

(b) A short factual summary of the informal consultations of the Security Council should be prepared by the Secretariat and circulated as an official document of the Council to all Member States the day after such meetings. The summaries should also be transmitted to permanent missions through electronic mail;

(c) The President of the Security Council should make draft resolutions and draft presidential statements available as soon as they become the basis for informal consultations of the Council, or earlier if authorized by the author of the draft. If not distributed, the President, in briefing non-members of the Council, should provide information about the main elements of such draft resolutions, presidential statements or other documents under consideration by the Council;

(d) Immediately following meetings between Security Council members, troop-contributing countries, other contributors and the Secretariat, the President should brief interested non-members of the Security Council on the contents of such meetings;

(e) A written summary of meetings with troop-contributing countries should be made available promptly to all Member States.

7. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

D. Meetings with troop-contributing countries and other contributors to peacekeeping operations

8. Suggested improvements to the present practice:

(a) Meetings between members of the Security Council and troop-contributing countries, both current and prospective, should be held on a regular basis before and during the decision-making process on the establishment, conduct, review and termination of peacekeeping operations, including the renewal and change of mandates, as well as specific operational issues. In case of emergencies, such meetings should be held promptly;

(b) Meetings with troop-contributing countries should be convened and chaired by the President of the Security Council, supported by the Secretariat;

(c) Upon the request of a troop-contributing country, the President of the Council should promptly convene meetings with troop-contributing countries;

(d) Other countries contributing to peacekeeping operations should be invited, as appropriate, to these meetings;

(e) Countries directly concerned and/or affected by peacekeeping operations, including host countries, should also, in specific circumstances and as appropriate, be invited to these meetings;

(f) Meetings should be announced in the *Journal of the United Nations*;

(g) The Security Council should make full use of proposals and/or information received in meetings with troop-contributing countries.

9. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

E. Reports of the Security Council to the General Assembly

10. Suggested improvements to the present practice:

(a) Upon the completion of his/her Presidency, each President of the Security Council should provide a substantive and analytical assessment of the work of the Council including, as appropriate, informal consultations of the whole, held during his/her Presidency. These assessments should be distributed to non-members of the Council immediately after they are issued by the outgoing President. They should also be attached to the annual report of the Council to the General Assembly;

(b) The annual report of the Security Council to the General Assembly should give a detailed and analytical account of the Council's work and it should be made available to the General Assembly not later than 30 August;

(c) The annual report of the Security Council should also include, as appropriate, information on decisions reached at the consultations of the whole;

(d) The Security Council should include in its annual report information on requests received under Article 50 of the Charter and actions taken by the Council thereon;

(e) The annual report should enable Member States to assess the extent to which General Assembly and Security Council resolutions have been taken into account by the Council in its decision-making process on issues falling within the scope of the General Assembly and of the Security Council;

(f) The Security Council should, in preparing its annual report to the General Assembly, fully take into account resolution 51/193 of 17 December 1996. In particular, it should:

(i) Include, as appropriate, information on consultations of the whole undertaken prior to action or deliberation by the Council on issues within its mandate and on the process leading to such action;

(ii) Include decisions, recommendations or progress of work of the subsidiary organs of the Council, in particular the sanctions committees;

(iii) Strengthen further the section in the report on the steps taken by the Council to improve its working methods;

(g) The Security Council should, when necessary, submit special reports to the General Assembly in accordance with Article 24 (3) of the Charter, for the consideration of the Assembly in accordance with Article 15 of the Charter;

(h) The Security Council is invited, through an appropriate procedure or mechanism, to update the General Assembly on a regular basis on the steps it has taken or is contemplating taking with respect to improving its reporting to the Assembly.

11. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

F. Participation of non-members in meetings of the Security Council and informal consultations of the whole

12. Suggested improvements to the present practice:

(a) The Security Council should, more frequently, hold public meetings to hear the views of non-members of the Council;

(b) When a non-member of the Council submits a written request for a meeting with the President of the Council to discuss an urgent matter affecting its interests, the President should acknowledge such a request in writing. Upon receipt of such a request, the President should promptly meet the non-member in question and inform the Council about the démarche;

(c) The Security Council should fully implement Article 31 of the Charter and rule 37 of the Council's provisional rules of procedure, in order to enhance the needed

participation of non-members in meetings of the Council. It should not challenge the requests of non-members seeking to be heard at meetings of the Council;

(d) The Security Council should, on a timely and regular basis, conduct consultations with countries affected by the decisions of the Council;

(e) The Security Council should invite non-members of the Council to participate [in the discussions] in its informal consultations on matters directly affecting them, [in accordance with] [under similar arrangements as stipulated] in Articles 31 and 32 of the Charter.

13. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

G. "Arria formula"

14. Suggested improvements to the present practice:

Members of the Security Council could, as appropriate, resort to the "Arria formula" to hear, on the initiative of a Council member, views and obtain information related to issues under consideration by the Council.

15. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

H. Meetings of the Security Council in accordance with Articles 35 and 99 of the Charter

16. Suggested improvements to the present practice:

When a Member State, the Secretary-General or a State which is not a member of the United Nations requests an urgent meeting of the Security Council, the President of the Council should immediately circulate such request as a document of the Council and promptly convene a meeting of the Council to hear the State in question or the Secretary-General. The Council should immediately decide how to pursue the matter.

17. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

I. Consultations pursuant to Article 50 of the Charter

18. Suggested improvements to the present practice:

(a) The Security Council should take measures providing for more effective implementation of the right contained in Article 50 of the Charter for any State, whether a Member of the United Nations or not, to consult the Council with regard to problems arising from its implementation of preventive or enforcement measures imposed by the Council. Such consultations should be held promptly upon a request submitted by the State concerned [or the Secretary-General];

(b) The Security Council should promptly establish an effective mechanism to provide relief to affected States under Article 50 of the Charter [on the basis of automaticity of application];

(c) The Security Council should fully implement annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Question of sanctions imposed by the United Nations".

19. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

J. Mechanism to alert non-members of the Security Council of unscheduled or weekend meetings

20. Suggested improvements to the present practice:

The Secretariat should establish an effective mechanism for alerting non-members of the Security Council of unscheduled or emergency meetings of the Council during nights, weekends and holidays (e.g., a voice recording, a Web site and/or an electronic message or facsimile transmission to all Member States).

21. Institutionalization:

To be implemented by the Secretariat as soon as possible, but could also, to this effect, be incorporated into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

K. Consultations between the President of the Security Council, the President of the General Assembly and the Secretary-General

22. Suggested improvements to the present practice:

(a) The President of the Security Council, the President of the General Assembly and the Secretary-General should hold regular monthly consultations, to which Members of the Bureau of the General Assembly could be invited, when the need arises. In the event of an international crisis or any other urgent development, such consultations should be held more frequently;

(b) The President of the General Assembly is requested to raise with the President of the Security Council, during their monthly informal meetings and when deemed appropriate, the measures mentioned in section E above and to report to the Assembly on the steps taken by the Council in this regard.

23. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

L. Consultations with funds, programmes and agencies

24. Suggested improvements to the present practice:

The conduct of operational and humanitarian activities must conform to the guiding principles of humanitarian assistance and the principles of United Nations development assistance. In cases when, as a transitory and exceptional measure, the Security Council is involved in overseeing and mandating humanitarian and operational assistance, the President of the Council should consult the presidents of the executive boards concerned before the Council acts. The decisions of the respective executive boards and of the General Assembly shall be final in all aspects of such programmes.

25. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

III. Subsidiary organs of the Security Council

26. Suggested improvements to the present practice:

(a) Sanctions committees:

(i) Decisions and/or those parts of the summaries of the proceedings of the sanctions committees which do not compromise the confidentiality of the work of the committees should be made available promptly to non-members of the Security Council;

(ii) The Security Council should fully implement annex II to resolution 51/242 of 15 September 1997, entitled "Question of sanctions imposed by the United Nations".

(b) Other subsidiary organs:

(i) [The Security Council should consider establishing a Committee on Prevention and a Committee for Peace Missions. These committees would work all year long and would be open to all interested States and governmental and non-governmental organizations. The rationale for establishing these committees would be to bring the Council closer to the general public and to democratize its working methods;]

(ii) Meetings of subsidiary organs of the Council established pursuant to Article 29 of the Charter should be more transparent and, when appropriate, open to non-members of the Council. Such meetings should be announced in the *Journal of the United Nations*, and information about the proceedings, in particular those regarding decisions and recommendations, should be made available to non-members.

(c) Briefings by the chairmen of sanctions committees and other subsidiary organs:

Chairmen of sanctions committees and other subsidiary organs of the Security Council should give briefings to non-members of the Council after each meeting. Briefings by the chairmen of sanctions committees and other subsidiary organs should be announced in the *Journal of the United Nations*.

27. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

IV. Relationship between the Security Council and other principal organs of the United Nations

A. International Court of Justice

28. Suggested improvements to the present practice:

In accordance with relevant provisions of the Charter, the Security Council should more frequently request the International Court of Justice to give an advisory opinion on any legal question.

B. Economic and Social Council

29. Suggested improvements to the present practice:

[In accordance with Article 65 of the Charter, the Security Council should consider requesting the Economic and Social Council to furnish it with information on matters relevant to the work of the Security Council.]

30. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

V. Relationship between the Security Council and regional arrangements and agencies

31. Suggested improvements to the present practice:

(a) In its relations with regional arrangements and agencies, the Security Council should fully implement the provisions of General Assembly resolution 49/57 of 9 December 1994 and annex I to resolution 51/242 of 15 September 1997, entitled "Coordination";

(b) Regional arrangements and agencies should be consulted on matters affecting the maintenance of international peace and security in accordance with Chapter VIII of the Charter and the relevant mandates of regional arrangements and agencies concerned.

32. Institutionalization:

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

VI. Rules of procedure and institutionalization of the measures taken by the Security Council to enhance its working methods and transparency

33. Suggested improvements to the present practice:

The Security Council should finalize its provisional rules of procedure. Towards this end, the following steps should be taken by the Council:

(a) The arrangements regarding various measures that the Council has already adopted to enhance its methods and transparency,[d] as well as the new measures discussed above, should be institutionalized as proposed by this Working Group in sections II-V of the present report;

(b) After institutionalization of the measures described in subparagraph (a) above there should be an overall review of the provisional rules of procedure, after which the word "provisional" should be deleted.

Notes

[a] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 47* (A/51/47), annex V.

[b] Ibid., annexes IV and IX.

[c] On the established practice and improvements taken by the Security Council so far, see *Official Records of the General Assembly, Fifty-first Session, Supplement No. 47* (A/51/47), annex IX, on this item and other measures discussed in the present document.

[d] See the following presidential statements and notes of the President of the Security Council (listed here in chronological order):

- Note by the President of the Security Council dated 28 May 1993 (S/25859);
- Note by the President of the Security Council dated 30 June 1993 (S/26015);
- Note by the President of the Security Council dated 27 July 1993 (S/26176);
- Note by the President of the Security Council dated 28 February 1994 (S/1994/230);
- Statement by the President of the Security Council dated 3 May 1994 (S/PRST/1994/22);
- Statement by the President of the Security Council dated 24 July 1994 (S/PRST/1994/36);
- Statement by the President of the Security Council dated 4 November 1994 (S/PRST/1994/62);
- Statement by the President of the Security Council dated 16 December 1994 (S/PRST/1994/81);
- Note by the President of the Security Council dated 29 March 1995 (S/1995/234);
- Note by the President of the Security Council dated 31 May 1995 (S/1995/438);
- Statement by the President of the Security Council dated 19 December 1995 (S/PRST/1995/61);
- Note by the President of the Security Council dated 24 January 1996 (S/1996/54);
- Statement by the President of the Security Council dated 28 March 1996 (S/PRST/1996/13);
- Note by the President of the Security Council dated 12 June 1997 (S/1997/451);
- Note by the President of the Security Council dated 30 April 1998 (S/1998/354).

Annex V

Conference room paper submitted by the Bureau of the Open-ended Working Group: expansion of the Security Council and decision-making in the Security Council, including the veto*

1. Can we agree that every endeavour should be made to explore the possibility of Security Council enlargement?

2. Can we agree that any reform of the Security Council should, at some appropriate future date, be reviewed; and if so, that appropriate provision would need to be made for such review?

* * *

3. Can we agree whether it is desirable to have an expansion that includes both additional permanent and additional non-permanent members?

4. Can we agree whether it is necessary, and a requisite for any expansion, that such expansion includes both additional permanent and additional non-permanent members?

* * *

5. Can we agree whether consideration of Article 23, paragraph 2, of the Charter (the ban on re-election of non-permanent members) is relevant in this context?

* * *

6. Can we agree on what should be the lower/upper numerical limits to expansion, depending on whether expansion will take place in one or two categories?

7. Can we agree on how any additional permanent seats should be allocated?

8. Can we agree on how any additional non-permanent seats should be allocated?

* * *

9. Can we agree to what extent, if any, the veto should be extended to any additional permanent members?

* Previously issued as A/AC.247/1999/CRP.2, 13 April 1999.

Annex VI

Conference room paper submitted by the Bureau of the Open-ended Working Group: expansion of the Security Council and decision-making in the Security Council, including the veto*

The following list of issues is presented to facilitate the continued discussion in the Working Group on cluster I questions. The purpose is to make it easier to identify in which areas there may be agreement or where various positions may converge.

- Whether it is desirable to have an expansion of the Security Council that includes both additional permanent and additional non-permanent members.
- To what extent, if any, the right of veto should be given to any additional permanent members.
- Whether it is desirable to have an expansion that includes only additional non-permanent members.
- Whether in the absence of general agreement on expansion in both categories, an increase, for the time being, only in the non-permanent category should be considered.
- Whether consideration of Article 23, paragraph 2, of the Charter (the ban on re-election of non-permanent members) is relevant in this context.
- Whether to consider also other categories of membership — e.g., permanent regional representation, or seats for more frequently rotating non-permanent members.
- What should be the lower/upper numerical limits to expansion, depending on whether expansion will take place in one or more categories.
- How any additional permanent seats should be allocated.
- How any additional non-permanent seats should be allocated.
- Periodic review of the enlarged Security Council.

* Previously issued as A/AC.247/1999/CRP.2, 14 April 1999.

Annex VII

Conference room paper submitted by the Bureau of the Open-ended Working Group: working methods of the Security Council and transparency of its work*

This paper covers only those paragraphs of A/AC.247/1999/CRP.4/Rev.2 (A/52/47, annex V) which deal with suggested improvements to the present practice.

I. Relationship between the Security Council, the General Assembly and the general membership of the United Nations**

A. Meetings of the Security Council

(a) The Security Council should, as a general rule, meet in a public format open to all States Members of the United Nations;

(b) Exceptionally, the Security Council may meet in private ...;

(c) When special circumstances so require, the members of the Security Council may meet for informal consultations of the whole;

(d) The Security Council should, in a timely fashion and whenever appropriate, hold substantive orientation debates open to all Member States on matters under its consideration ...;

(e) The Security Council should, whenever possible, meet at the ministerial level on important items ...;

(f) When the Secretary-General, his/her special representatives and/or special envoys, and the heads or representatives of United Nations bodies, agencies or field missions report to the Security Council, they should do so, as appropriate, in a public format.

B. Programme of work and agenda of Security Council meetings and informal consultations

(a) The Security Council's tentative forecast of its programme of work should be made available to all Members States as soon as it is produced;

(b) The calender setting out the Security Council's provisional monthly schedule of work, and updated versions thereof, should be made available to all Member States as soon as possible after its adoption by the members of the Council ...;

(c) The Council should consider its monthly programme of work at a public meeting;

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* Previously issued as A/AC.247/1999/CRP.3 and CRP.3/Add.1.

** This document is based on A/AC.247/1998/CRP.4/Rev.2, contained in annex V to the report of the Working Group to the General Assembly at its fifty-second session (*Official Records of the General Assembly, Fifty-second Session, Supplement No. 47* (A/52/47)). Underlining indicates the introduction of new language. Ellipses (...) indicate that language in the original text has been omitted.

(d) The provisional agenda of the Security Council, with indications as to actions expected of the Council (e.g., decisions on draft resolutions and presidential statements, reports, exchanges of views, etc.) and the agenda for informal consultations of the whole, including a list of issues to be discussed under "other matters", whenever they are known in advance, should be included in the *Journal of the United Nations*.

C. Briefings by the President of the Security Council to non-members, availability of draft resolutions and summaries of meetings and consultations

(a) The present practice followed by the Presidency of the Security Council of briefing non-members should be continued. The briefings should take place immediately after Council meetings or informal consultations of the whole. Interpretation should be provided for those briefings. Briefings for non-members should be closed and held no later than briefings for the media. The President of the Council will decide whether written records of such briefings should also be distributed. If written records of the briefings are to be provided, they should also be transmitted to the Permanent Missions to the United Nations through electronic mail;

(b) A short factual summary of the Security Council's informal consultations of the whole, prepared by the Secretariat in consultation with the President, should be circulated ... to all Member States no later than the day after. The summaries should also be transmitted to Permanent Missions through electronic mail;

(c) ... Draft resolutions and draft presidential statements, as well as other documents that are distributed to all members of the Security Council for tabling at informal consultations, should be made available by the President of the Security Council also to non-members of the Council as soon as such documents are tabled, or earlier, if so authorized by the author of the draft ...;

(d) The President, in briefing non-members of the Security Council, should provide information about the main elements of the draft resolutions, presidential statements and other documents under consideration by the Council.

D. Meetings with troop-contributing countries and other contributors to peacekeeping operations

(a) Meetings between members of the Security Council, countries which contribute troops and civilian police, and countries that make special contributions to peacekeeping operations, such as contributions to trust funds, logistic equipment and other resources, both current and prospective, should be held on a regular basis before and during the decision-making process on the establishment, conduct, review and termination of peacekeeping operations, including the extension and change of mandates, as well as specific operational issues. In case of emergencies, such meetings should be held promptly;

(b) Meetings with troop-contributing countries and other contributors to peacekeeping operations should be convened and chaired by the President of the Security Council, supported by the Secretariat;

(c) The President of the Security Council should make the necessary arrangements to ensure that the meetings with troop-contributing countries and other contributors to peacekeeping operations are held at a time that allows those countries to adequately consider

the relevant reports of the Secretary-General. The Secretariat should make these reports available well before such meetings;

(d) Upon the request of a troop-contributing country, the President of the Security Council should promptly convene meetings with troop-contributing countries;

(e) Other countries contributing to peacekeeping operations should be invited, as appropriate, to these meetings;

(f) Countries directly concerned and/or affected by peacekeeping operations, including host countries, should also, in specific circumstances and where appropriate, be invited to these meetings;

(g) Meetings should be announced in the *Journal of the United Nations*;

(h) Immediately following meetings between members of the Security Council, troop-contributing countries, other contributors and the Secretariat, the President should brief interested non-members of the Security Council on the content of such meetings. Such briefings should be announced in the *Journal of the United Nations*;

(i) A written summary of meetings with troop-contributing countries, prepared by the Secretariat in consultation with the President of the Security Council, should be made available promptly to all Member States. Written copies of the Secretariat's briefings at those meetings should, whenever possible, be made available to troop-contributing countries upon request;

(j) The President of the Security Council should report to the Council the views expressed by participants at troop-contributors meetings for the use of the Security Council in its deliberations.

E. Reports of the Security Council to the General Assembly

(a) Upon the completion of his/her Presidency, each President of the Security Council should provide a substantive and analytical assessment of the work of the Council including, as appropriate, informal consultations of the whole, held during his/her Presidency. These assessments should be balanced, comprehensive and objective and should be distributed as official documents to all Member States immediately after their issuance by the outgoing President. They should also be appended to the annual report of the Council to the General Assembly;

(b) The annual report of the Security Council to the General Assembly should give a detailed and comprehensive account of the work of the Council and it should be made available to the General Assembly no later than 30 August;

(c) The annual report of the Security Council should also include ... information on ... the informal consultations of the whole;

(d) The Security Council should include in its annual report information on requests received under Article 50 of the Charter and actions taken by the Council thereon;

(e) The annual report should enable Member States to assess the extent to which General Assembly and Security Council resolutions have been taken into account by the Council in its decision-making process on issues falling within the scope of the General Assembly and of the Security Council;

(f) The Security Council should, in preparing its annual report to the General Assembly, fully take into account Assembly resolution 51/193 of 17 December 1996. In particular, it should:

(i) Include, as appropriate, information on consultations of the whole undertaken prior to action or deliberation by the Council on issues within its mandate and on the process leading to such action;

(ii) Include decisions, recommendations or other substantive work of the subsidiary organs of the Council, in particular the sanctions committees, in the appendices to the annual report;

...

(g) The Security Council should, when necessary, submit special reports to the General Assembly in accordance with Article 24, paragraph 3, of the Charter, for the consideration of the Assembly in accordance with Article 15 of the Charter;

(h) The Security Council is invited, through an appropriate procedure or mechanism, to update the General Assembly on a regular basis on the steps it has taken or is contemplating taking with respect to improving its reporting to the Assembly.

F. Participation of non-members in meetings of the Security Council and informal consultations of the whole

(a) The Security Council should ... more frequently ... hear the views of non-members of the Council in public meetings at the beginning of its consideration of a substantive matter;

(b) When a non-member of the Security Council submits a written request for a meeting with the President of the Council to discuss an urgent matter affecting its interests, the President should acknowledge such a request in writing. Upon receipt of such a request, the President should promptly meet with the non-member in question and inform the Council about the démarche;

(c) The Security Council should fully implement Articles 31 and 32 of the Charter and rules 37 and 39 of the Council's provisional rules of procedure, so that non-members whose interests are specially affected may participate in discussions of any question brought before the Council. Positive consideration should be given to requests of non-members seeking to participate in such discussions;

(d) The Security Council should, on a timely and regular basis, conduct consultations with countries affected by the decisions of the Council;

(e) The members of the Security Council should, as appropriate, invite non-members of the Council to participate in their discussions during informal consultations of the whole on matters directly affecting such members, under similar arrangements as stipulated in Articles 31 and 32 of the Charter.

G. "Arria formula"

Members of the Security Council could, as appropriate, on the initiative of a member of the Council, resort to the Arria formula as an informal way to hear ... views and obtain or exchange information related to issues under consideration by the Council. The level of

representation of the members of the Council should be commensurate with that of those invited.

H. Meetings of the Security Council in accordance with Articles 35 and 99 of the Charter

Requests for meetings of the Security Council in accordance with Articles 35 and 99 of the Charter should be immediately circulated as a document of the Council, and the requested meeting should be promptly convened.

I. Consultations pursuant to Article 50 of the Charter

(a) The Security Council should take measures providing for more effective implementation of the right contained in Article 50 of the Charter for any State, whether a Member of the United Nations or not, to consult the Council with regard to problems arising from its implementation of preventive or enforcement measures imposed by the Council. Such consultations should be held promptly upon a request submitted by the State concerned ...;

(b) The Security Council should promptly establish an effective mechanism to provide relief to affected States under Article 50 of the Charter which would become immediately operational upon the receipt of such request;

(c) The Security Council should fully implement those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Question of sanctions imposed by the United Nations", that are relevant to the application of Article 50 of the Charter and relate to the working methods of the Security Council and the transparency of its work.

J. Mechanism to alert non-members of the Security Council to unscheduled or weekend meetings

The Secretariat should establish an effective mechanism for alerting non-members of the Security Council to unscheduled ... emergency meetings of the Council, including information as to their subject matter and purpose, during nights, weekends and holidays (e.g., a voice recording, a Web site and/or an electronic message or facsimile transmission to all Member States). The President of the Council should make best efforts to give instructions to the Secretariat for such emergency notice to non-members of the Council at the earliest possible time, when unscheduled emergency meetings of the Council are anticipated.

K. Consultations between the President of the Security Council, the President of the General Assembly and the Secretary-General

(a) The President of the Security Council, the President of the General Assembly and the Secretary-General should hold regular monthly consultations, to which members of the Bureau of the General Assembly could be invited, when the need arises. In the event

of an international crisis or any other urgent development, such consultations should be held more frequently;

(b) The President of the Security Council is requested to raise with the President of the General Assembly, during their monthly informal meetings and when deemed appropriate, the measures mentioned in section E (e) above ... The President of the General Assembly should report to the Assembly on the steps taken by the Council in this regard;

(c) The President of the Security Council should brief the chairmen of the regional groups on the programme of work of the Council at the beginning of the month and should later continue to inform them as appropriate and as the need arises.

L. Consultations with funds, programmes and agencies

In cases where the Security Council is involved in mandating humanitarian and operational assistance, the President of the Council should consult the presidents of the executive boards concerned.

M. Records and archives

(a) The Security Council should review its procedures and rules for the creation and maintenance of and access to the records and archives of its private and public meetings and consultations;

(b) Procedures for promptly fulfilling requests for these records and archives by the accredited representatives of any member of the Security Council should be established;

(c) In its annual report to the General Assembly, the Security Council should certify that the maintenance of its records and archives meets the established international standards for the management of records and archives.

II. Subsidiary organs of the Security Council

A. Sanctions committees

(a) Summary records of the meetings of the sanctions committees, which do not compromise the confidentiality of the work of the committees, should be made available promptly to non-members of the Security Council;

(b) The sanctions committee should ensure that the administrative procedure of processing applications for exemptions from sanctions regimes is as efficient as possible in order to avoid delays in clearing applications and thus to minimize unintended adverse side effects of sanctions;

(c) The Security Council should fully implement those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Questions of sanctions imposed by the United Nations", that are relevant to the procedures and working methods of the sanctions committees;

(d) The agenda of the formal meetings of the sanctions committees should be announced in the *Journal of the United Nations* in the same way as the agenda of the Security Council;

(e) Public information on the work of the sanctions committees should be made available on the Internet and through other means of communication.

B. Other subsidiary organs

...

Meetings of subsidiary organs of the Security Council established pursuant to Article 29 of the Charter should be more transparent and their proceedings, when appropriate, should be open to non-members of the Council. Such meetings should be announced in the *Journal of the United Nations* and information about the proceedings, in particular those regarding decisions and recommendations, should be made available to non-members.

C. Briefings by the chairmen of sanctions committees and other subsidiary organs

Chairmen of sanctions committees and other subsidiary organs of the Security Council, after each meeting, should give substantive and detailed briefings on their proceedings to non-members of the Council ... and, as appropriate, distribute documents which were considered in the course of such meetings. Such briefings should be announced in the *Journal of the United Nations*.

III. Relationship between the Security Council and other principal organs of the United Nations

A. International Court of Justice

In accordance with relevant provisions of the Charter, the Security Council should consider requesting more often the International Court of Justice to give an advisory opinion on any legal question.

B. Economic and Social Council

In accordance with Article 65 of the Charter, the Security Council should consider requesting the Economic and Social Council to furnish it with information on matters relevant to the work of the Security Council.

IV. Relationship between the Security Council and regional arrangements and agencies

(a) Efforts to enhance regional capacities should not relieve the Security Council of its obligations under the Charter of the United Nations, which confers on it the primary responsibility for the maintenance of international peace and security;

(b) In its relations with regional arrangements and agencies, the Security Council should fully implement the relevant provisions of General Assembly resolution 49/57 of

9 December 1994 and annex I to resolution 51/242 of 15 September 1997, entitled "Coordination", bearing in mind the primary responsibility of the Security Council for the maintenance of international peace and security;

(c) Regional arrangements and agencies should be consulted on matters affecting the maintenance of international peace and security in accordance with Chapter VIII of the Charter and the relevant mandates of regional arrangements and agencies concerned.

Annex VIII

Conference room paper submitted by the Bureau of the Open-ended Working Group: expansion of the Security Council and decision-making in the Security Council, including the veto*

The list of issues set out below is presented to facilitate the continued discussion in the Working Group on cluster I questions. The purpose is to make it easier to identify in which areas there may be agreement or where various positions may converge.

Issues have been numbered to facilitate reference. Numbers indicate neither priorities nor the sequence in which issues should be discussed. Issues listed separately may have to be considered together.

1. Whether it is desirable to have an expansion of the Security Council that includes both additional non-permanent and additional permanent members.

2. Whether it is desirable to have an expansion of the Security Council that includes both additional non-permanent members and the creation of rotating permanent seats (with or without veto).

3. Whether it is desirable to have an expansion that includes only additional non-permanent members.

4. Whether, in the absence of general agreement on expansion in the permanent category, an increase, for the time being, only in the non-permanent category should be considered.

5. Whether to consider also other categories of membership — e.g., seats for more frequently rotating non-permanent members.

6. Whether the question of the veto is intrinsically linked to the issue of the expansion of the Security Council.

7. What should be the future scope of application of the veto in an enlarged Security Council.

8. Whether it is desirable for the existing veto power to be curtailed as part of any comprehensive reform package which might obtain general agreement, or independently of such a package.

9. To what extent, if any, the right of veto should be given to any additional permanent members.

10. What should be the lower/upper numerical limits to expansion (for example, 20–21/23/24/25/26/26+), having regard to whether expansion will take place in one or more categories.

11. How any additional permanent seats should be allocated.

12. How any additional non-permanent seats should be allocated.

13. Periodic review of the enlarged Security Council, including the scope, purpose and timing of a periodic review.

* Previously issued as A/AC.247/1999/CRP.2/Rev.1, 14 May 1999.

Annex IX

Conference room paper on the expansion of the Security Council and decision-making in the Security Council, including the veto, submitted by Colombia on behalf of the delegations of Argentina, Canada, Chile, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, the Islamic Republic of Iran, Italy, Mexico, Pakistan, Panama, the Republic of Korea, San Marino, Singapore, Spain and Turkey*

The following list of issues is presented as a contribution to facilitate the continued discussion in the working group on cluster I questions:

1. Whether every endeavour should be made to explore the possibility of Security Council enlargement.

2. Whether the Security Council should be expanded to:

(a) No more than 20 to 21 members;

(b) 24 members;

(c) 23 to 25 members;

(d) Not less than 26 members;

(e) Any other option.

3. Whether the question of the veto is intrinsically linked to the issue of expansion of the Security Council.

4. Whether it is possible to increase the permanent membership without agreement on its privileges, in particular the question of the veto.

5. Whether and to what extent, if any, the veto should be extended to any additional permanent members, and if so:

(a) Whether the veto right should be granted to any new permanent member after curtailing its scope of application;

(b) Whether the veto right should be granted to any new permanent member without curtailing its scope of application;

(c) Whether any curtailment of the veto right should be applicable to both new and the existing five permanent members;

(d) Whether any curtailment of the veto right should be applicable to new permanent members only;

(e) Any other option.

6. Whether the enlargement of the Security Council should include:

(a) Establishment of rotating permanent seats with the veto right;

(b) Establishment of rotating permanent seats without the veto right;

(c) Addition of new permanent members with the veto right;

* Previously issued as A/AC.247/1999/CRP.4, 15 June 1999.

(d) Addition of new permanent members without the veto right;

(e) Addition of non-permanent members only;

(f) Any other option.

7. Whether, "if there is no agreement on other categories of membership, expansion should take place only, for the time being, in the non-permanent category".

8. Whether the consideration of Article 23, paragraph 2, of the Charter (the ban on immediate re-election of non-permanent members) is relevant in the context of Security Council expansion.

9. How any additional seats in the permanent, non-permanent or any new category should be allocated.

10. Whether, at some appropriate future date, a review of all aspects of the Security Council should take place, and if so:

(a) Whether during the periodic review of decisions reached now, any new permanent member should seek a vote of confidence by securing a two-thirds vote of the Members of the United Nations;

(b) Whether during the periodic review of decisions reached now, any new permanent member would be removed by a two-thirds vote of the Members of the United Nations;

(c) Any other option.

Annex X

Letter dated 28 July 1999 from the Permanent Representative of the Arab Republic of Egypt in his capacity as Chairman of the Working Group of the Movement of Non-Aligned Countries on the reform and restructuring of the Security Council

Paragraphs related to the reform of the Security Council which appeared in the final document of the twelfth Conference of Heads of State or Government of Non-Aligned Countries [original paragraphs 64 to 73] held in Durban, South Africa, from 29 August to 3 September 1998*

1. The Heads of State or Government comprehensively reviewed discussions on the reform and restructuring of the Security Council, in the light of the position papers adopted by the Movement on 13 February 1995 and 20 May 1996, the negotiating paper of the Movement of Non-Aligned Countries dated 11 March 1997, the decisions of the Cartagena Summit, the twelfth Ministerial Conference of the Movement of Non-Aligned Countries held in New Delhi from 7 to 8 April 1997, the Ministerial Meeting in New York on 25 September 1997 and the Ministerial Meeting of the Coordinating Bureau in Cartagena on 19 and 20 May 1998.

2. In conformity with the New Delhi declaration regarding the necessity of attaining general agreement, the Heads of State or Government reaffirmed their determination that any resolution with amendment implications for the Charter of the United Nations must be adopted by a vote of two thirds of the United Nations, as referred to in Article 108 of the Charter.

3. The Heads of State or Government recalled that discussions in the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council have shown that, while a convergence of views has emerged on a number of issues, important differences still exist on many others. They noted that the Open-ended Working Group will resume its discussions and underlined the necessity of the Movement maintaining its unity and solidarity on this critical issue. They reaffirmed that the Movement should, in the ensuing negotiations, continue to pursue directives given by the Cartagena Summit and contained in the Movement's position papers. The Movement would be guided by the considerations set out below in approaching the issue of Security Council reform in discussions at the United Nations:

(a) Both reform and expansion of the Security Council should be considered as integral parts of a common package, taking into account the principle of sovereign equality of States and equitable geographical distribution, as well as the need for transparency, accountability and democratization in the working methods and procedures of the Security Council, including its decision-making process;

(b) The non-aligned countries are grossly under-represented in the Council. This under-representation should, therefore, be corrected by enlargement of the Security Council, which should enhance the credibility of the Council, to reflect the universal character of

* Previously issued as A/AC.247/1999/CRP.6.

the world body and to correct existing imbalances in the composition of the Security Council in a comprehensive manner;

(c) The extent, nature and modalities of the expansion of the Security Council should be determined on the basis of the principles of equitable geographical distribution and sovereign equality of States. There shall be no partial or selective expansion or enlargement of the membership of the Security Council to the detriment of the developing countries. Attempts to exclude the Movement of Non-Aligned Countries from any enlargement in the membership of the Council would be unacceptable to the Movement;

(d) There should be an increase in the membership of the Security Council by not less than 11 members, based on the principles of equitable geographical distribution and sovereign equality of States;

(e) The negotiation process should be truly democratic and transparent, and negotiations on all aspects should be held, in all cases in an open-ended setting.

4. The Heads of State or Government reaffirmed that efforts to restructure the Security Council would not be subject to any imposed time-frame. While recognizing the importance of treating this issue as a matter requiring urgent attention, no effort should be made to decide this issue before general agreement is reached.

5. The Heads of State or Government reaffirmed the Movement of Non-Aligned Countries proposal that, if there is no agreement on other categories of membership, expansion should take place, for the time being, only in the non-permanent category.

6. The Heads of State or Government reaffirmed the Movement proposal that the veto should be curtailed with a view to its elimination and that the Charter should be amended so that, as a first step, the veto power should only apply to actions taken under Chapter VII of the Charter.

7. The Heads of State or Government underlined the need for a coherent and coordinated approach by the Movement in the ensuing discussions in the Open-ended Working Group. Mindful of the importance of reaching general agreement, as reflected, *inter alia*, in United Nations General Assembly resolution 48/26 of 3 December 1993, they called for fuller discussions of various proposals submitted to the Working Group.

8. The Heads of State or Government stressed the importance of enhancing the transparency of the Security Council through the improvement of its working methods and its decision-making process. They called upon the Open-ended Working Group to agree on and the General Assembly to recommend specific substantive measures to be implemented by the Security Council based on the measures proposed in the negotiating paper of the Movement on Cluster II issues. They also urged the Security Council to institutionalize such measures and stressed that a commitment to institutionalize them should be an element of a package agreement on the reform of the Security Council.

9. The Heads of State or Government called upon their permanent missions in New York to actively pursue the above positions within the framework of the ongoing discussions on Security Council expansion and reform.

10. The Heads of State or Government recalled United Nations General Assembly resolution 51/193 of 17 December 1996, and, in this regard, called for a significant improvement in the annual report of the Security Council to the General Assembly. They also urged the Security Council to provide, when necessary, special reports to the General Assembly in accordance with Articles 15 and 24 of the Charter of the United Nations.

Annex XI

Conference room paper submitted by the Bureau of the Open-ended Working Group: working methods of the Security Council and transparency of its work*

I. Introduction

In this first revised version of conference room paper 3, paragraphs which have been provisionally agreed in the Working Group, after its second reading of chapter II, are marked with **bold typeface**. For paragraphs where there is not yet provisional agreement, amendments and suggestions presented during the June and July sessions, as recorded by the Bureau, have also been listed.

II. Relationship between the Security Council, the General Assembly and the general membership of the United Nations

A. Meetings of the Security Council and informal consultations of the whole**

1. Suggested improvements to the present practice

(a) The Security Council should, as a general rule, meet in a public format open to all States Members of the United Nations;

Suggested amendments to subparagraph (a):

(1) Insert "conduct its business" in place of "meet".

(2) Insert "conduct its business in public meetings" in place of "meet in a public format".

(3) Insert "should meet in a public format as frequently as practicable" in place of "should, as a general rule, meet in a public format".

(4) In the immediately preceding suggestion (number 3 above), consider introducing the words "more frequently" in place of "as frequently as possible".

(5) Insert "pursue its activities" or "pursue its work" in place of "meet".

(6) Consider introducing the words "to the extent feasible" in place of "as a general rule".

(b) Exceptionally, the Security Council may meet in private;

Suggested amendments to subparagraph (b):

(1) Delete the entire subparagraph.

(2) Insert "Under special circumstances" in place of "Exceptionally".

(c) When special circumstances so require, the members of the Security Council may meet for informal consultations of the whole;

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* Previously issued as A/AC.247/1999/CRP.3/Rev.1.

** This title to be reviewed when we reach the stage of institutionalization.

Suggested amendments to subparagraph (c):

(1) Rephrase the subparagraph to read: "When the members of the Security Council agree that special circumstances so require, they may meet for informal consultations of the whole."

(2) Rephrase the subparagraph to read: "When the Security Council agrees that special circumstances so require, [its members]/[it] may meet for informal consultations of the whole."

(3) Rephrase the subparagraph to read: "When members of the Security Council determine that circumstances so require, they may meet for informal consultations of the whole."

Suggested amendments to subparagraphs (a), (b) and (c):

(1) Replace all three subparagraphs with the following subparagraph: "The Security Council should pursue its activities in public meetings open to all Members of the United Nations, except when it decides to conduct private meetings (as provided for by rule 48 of the provisional rules of procedure of the Security Council), or when it agrees that exceptional circumstances require informal consultations of the whole."

(2) In the amendment under point (1) immediately above, substitute "meet, conduct its business, and vote" in place of "pursue its activities".

(d) The Security Council should, in a timely fashion and whenever appropriate, hold substantive orientation debates open to all Member States on matters under its consideration;

Suggested amendment to subparagraph (d):

Insert "in particular at the beginning of its consideration of its agenda items" in place of "on matters under its consideration".

(e) The Security Council should, whenever possible, meet at the ministerial level on important items;

(f) When the Secretary-General, his/her special representatives and/or special envoys, and the heads or representatives of United Nations bodies, agencies or field missions report to the Security Council, they should do so, as appropriate, in a public format.

Suggested amendments to subparagraph (f):

(1) Insert "as a general rule" in place of "as appropriate".

(2) Insert "normally" in place of "as appropriate".

(3) Insert "when appropriate" in place of "as appropriate".

(4) Delete the words "as appropriate".

2. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Programme of work of the Security Council and agenda of its meetings and informal consultations of the whole*

3. Suggested improvements to the present practice

(a) The Security Council's tentative forecast of its programme of work for the coming month should be made available to all Member States as soon as it is available to members of the Council;

(b) The calendar setting out the Security Council's provisional monthly schedule of work, and updated versions thereof, should be made available to all Member States as soon as possible after its adoption by the members of the Council;

Suggested amendments to subparagraph (b):

(1) Insert "their circulation to" in place of "its adoption by".

(2) Insert "circulation to" in place of "its adoption by".

(3) Insert "their consideration" in place of "its adoption by".

(c) The Council should consider its monthly programme of work at a public meeting;

(d) The provisional agenda of the Security Council, with indications as to actions expected of the Council (e.g., decisions on draft resolutions and presidential statements, reports, exchanges of views, etc.) and the agenda for informal consultations of the whole, including a list of issues to be discussed under "other matters", whenever they are known in advance, should be included in the *Journal of the United Nations*.

4. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

C. Briefings by the President of the Security Council to non-members, availability of draft resolutions and summaries of meetings and informal consultations of the whole*

5. Suggested improvements to the present practice

(a) The present practice followed by the Presidency of the Security Council of briefing non-members should be continued. The briefings should take place immediately after Council meetings or informal consultations of the whole. Interpretation should be provided for those briefings. Briefings for non-members should be closed and held no later than briefings for the media. The President of the Council will decide whether written records of such briefings should also be distributed. If written records of the briefings are to be provided, they should also be transmitted to the permanent missions to the United Nations through electronic mail;

Suggested amendments to subparagraph (a):

(1) In the third line, insert the word "private" after "Council" and before "meetings".

* This title to be reviewed when we reach the stage of institutionalization.

(2) In the fifth and sixth lines, insert "in parallel with" in place of "no later than".

(3) In the sixth line, insert "statements to the media" in place of "briefings for the media".

(4) In the seventh line, insert "including the elements of statements made by him/her to the press" between "such briefings" and "should" [agreed amendment].

(b) A short factual summary of the Council's informal consultations of the whole, prepared by the Secretariat in consultation with the President, should be circulated to all Member States no later than the day after. The summaries should also be transmitted to permanent missions through electronic mail;

Suggested amendment to subparagraph (b):

Delete entire subparagraph.

(c) Draft resolutions and draft presidential statements, as well as other draft documents that are tabled at informal consultations of the whole of the Council for action on its agenda items, should be made available by the President of the Security Council also to non-members of the Council as soon as such documents are tabled; or earlier, if so authorized by the author of the draft;

(d) The President, in briefing non-members of the Council, should provide information about the main elements of draft resolutions, presidential statements and other documents under consideration by the Council.

Suggested amendments to subparagraph (d):

(1) Delete the entire subparagraph.

(2) Consider placing this subparagraph before subparagraph (c).

(3) In line 2, insert "any new elements" in place of "the main elements".

(4) Insert "for its action" at the end of the subparagraph.

6. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

D. Meetings with troop-contributing countries and other countries contributing to peacekeeping operations

7. Suggested improvements to the present practice

(a) Meetings between members of the Security Council, countries which contribute troops and civilian police, and countries that make special contributions to peacekeeping operations, such as contributions to trust funds, logistic equipment and other resources, both current and prospective, should be held on a regular basis before and during the decision-making process on the establishment, conduct, review and termination of peacekeeping operations, including the extension and change of mandates, as well as specific operational issues. In case of emergencies, such meetings should be held promptly;

Suggested amendments to subparagraph (a):

(1) In the first line, insert "and" in place of the comma; and in lines 2 to 4, delete the words", and countries that make special contributions to peacekeeping

operations, such as contributions to trust funds, logistic equipment and other resources".

(2) Insert a new subparagraph (a) *bis*, immediately after this subparagraph, with the following wording: "Countries that make special contributions to peacekeeping operations other than troops and civilian police — that is, contributions to trust funds, logistics and equipment — should be invited to these meetings".

(b) Meetings with troop-contributing countries and other countries contributing to peacekeeping operations should be convened and chaired by the President of the Security Council, supported by the Secretariat;

(c) The President of the Security Council should make the necessary arrangements to ensure that the meetings with troop-contributing countries and other countries contributing to peacekeeping operations are held at a time that allows those countries to adequately consider the relevant reports of the Secretary-General. The Secretariat should make these reports available at an appropriate time before such meetings;

(c) *bis* The Secretariat should make available, in all official languages, to troop-contributing countries weekly reports on field operations, which are available to members of the Security Council;

(d) Upon the request of a troop-contributing country, the President of the Council should promptly convene meetings with troop-contributing countries and other countries contributing to peacekeeping operations;

Suggested amendments to subparagraph (d):

(1) Insert at the end of the sentence the words "and other countries contributing to peacekeeping operations" [agreed amendments].

(2) Insert in line 1, after "country", the words "in case of emergencies".

(e) Other countries contributing to peacekeeping operations should be invited, as appropriate, to these meetings;

Suggested amendments to subparagraph (e):

(1) Move this subparagraph to after suggested subparagraph (a) *bis* and make it (a) *ter*.

(2) Merge this subparagraph with subparagraph (a) *bis*.

(f) Countries directly concerned and/or affected by peacekeeping operations, including host countries, should also, in specific circumstances and where appropriate, be invited to these meetings;

Suggested amendments to subparagraph (f):

(1) Move this subparagraph to after suggested subparagraph (a) *ter* and make it (a) *quater*.

(2) In lines 2 and 3, delete the words "in specific circumstances and where appropriate".

(g) Meetings should be announced in the *Journal of the United Nations*;

(h) Immediately following meetings between Security Council members, troop-contributing countries, other contributors and the Secretariat, the President should brief interested non-members of the Security Council on the contents of

such meetings. Such briefings should be announced in the *Journal of the United Nations*;

(i) A written summary of meetings with troop-contributing countries, prepared by the Secretariat in consultation with the President of the Security Council, which does not compromise the confidentiality of the work of those meetings, should be made available promptly to all Member States. Written copies of the Secretariat's briefings at those meetings should, whenever possible, be made available to troop-contributing countries upon request;

(j) The President of the Security Council should report to the Council the views expressed by participants at troop-contributors' meetings. The Council should fully take into account these views in its deliberations.

8. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

E. Reports of the Security Council to the General Assembly

9. Suggested improvements to the present practice

(a) The annual report of the Security Council to the General Assembly should give a detailed and comprehensive account of the Council's work and it should be made available to the General Assembly no later than 30 August;

Suggested amendments to subparagraph (a):

(1) Insert in line 1, after "General Assembly", the words", made pursuant to Article 24 (3) of the Charter".

(2) Insert in line 2 the word "factual" in place of "detailed and comprehensive".

(3) Insert in line 3 the words "if possible" after "General Assembly".

(4) Insert in line 3 the words "before the beginning of the general debate" in place of the words "no later than 30 August".

(b) Upon the completion of his/her Presidency, each President of the Security Council should provide a substantive and analytical assessment of the work of the Council, including, as appropriate, informal consultations of the whole, held during his/her Presidency. These assessments should be balanced, comprehensive and objective and distributed as official documents to all Member States immediately after their issuance by the outgoing President. They should also be appended to the annual report of the Council to the General Assembly;

Suggested amendments to subparagraph (b):

(1) Insert in line 2 the words "brief assessment" in place of "substantive and analytical assessment".

(2) Insert the words", prepared under the exclusive responsibility of the President following consultations with Council members,"in line 5 after the word "assessments".

(3) Delete in line 5 the words "should be balanced, comprehensive and objective and".

(4) Insert a full stop at the end of line 5 and replace the first words in line 6, "and distributed", with "They should be distributed".

(c) The annual report of the Security Council should also include information on the informal consultations of the whole;

(d) The Security Council should include in its annual report information on requests received under Article 50 of the Charter and actions taken by the Council thereon;

(e) The annual report should enable Member States to assess the extent to which General Assembly and Security Council resolutions have been taken into account by the Council in its decision-making process on issues falling within the scope of the General Assembly and of the Security Council;

Suggested amendment to subparagraph (e):

Replace the subparagraph with the following sentence: "The annual report should enable Member States to assess the extent to which General Assembly resolutions have been taken into account by the Council in its [decisions]/ [decision-making process].

(f) The Security Council should, in preparing its annual report to the General Assembly, fully take into account Assembly resolution 51/193 of 17 December 1996. In particular, it should:

(i) Include, as appropriate, information on consultations of the whole undertaken prior to action or deliberation by the Council on issues within its mandate and on the process leading to such action;

(ii) Include decisions, recommendations or other substantive work of the subsidiary organs of the Council, in particular the sanctions committees, in the appendices to the annual report;

Suggested amendments to subparagraph (f):

(1) Delete the entire subparagraph (f).

(2) Delete part (i).

(3) Add as part (ii) *bis* the following sentence: "Strengthen further the section in the report on the steps taken by the Council to improve its working methods".

(g) The Security Council should, when necessary, submit special reports to the General Assembly in accordance with Article 24, paragraph 3, of the Charter, for the consideration of the Assembly in accordance with Article 15, paragraph 1, of the Charter;

(h) The Security Council is invited, through an appropriate procedure or mechanism, to update the General Assembly on a regular basis on the steps it has taken or is contemplating taking with respect to improving its reporting to the Assembly.

10. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

F. Participation of non-members in meetings of the Security Council and informal consultations of the whole*

11. Suggested improvements to the present practice

(a) The Security Council should more frequently hear the views of non-members of the Council, in public meetings at the beginning of its consideration of a substantive matter;

Suggested amendments to subparagraph (a):

(1) Delete the entire subparagraph (a).

(2) Insert the words "in particular" in line 2 after the words "in public meetings".

(3) Merge this subparagraph with subparagraph (d) in paragraph 1 in section A.

(b) When a non-member of the Security Council submits a written request for a meeting with the President of the Council to discuss an urgent matter affecting its interests, the President should acknowledge such a request in writing. Upon receipt of such a request, the President should promptly meet the non-member in question and inform the Council about the démarche;

(c) The Security Council should fully implement Articles 31 and 32 of the Charter and rules 37 and 38 of the Council's provisional rules of procedure, so that non-members whose interests are specially affected may participate in discussions of any question brought before the Security Council. Positive consideration should be given to requests of non-members seeking to participate in such discussions;

Suggested amendments to subparagraph (c):

(1) Delete the entire subparagraph (c).

(2) Delete reference to Article 32 in line 1 and to rule 38 in line 2.

(3) Add a new subparagraph, (c) *bis*, which deals with the case of Article 32 and rule 38.

(4) In lines 2 and 3, insert the words "to ensure better participation by non-members in" in place of "so that non-members whose interests are specially affected may participate in".

(5) In line 3, insert the words "or are parties to a dispute" after "specially affected".

(6) In line 3, insert the words "be invited to" between "may" and "participate".

(7) In line 5, insert the word "such" after "requests of" [agreed amendment].

(8) Delete the second sentence in the subparagraph.

(d) The Security Council should, on a timely and regular basis, conduct consultations with countries affected by the decisions of the Council;

Suggested amendment to subparagraph (d):

In line 1, insert "The President of the Security Council" in place of "The Security Council".

(e) The members of the Security Council should, as appropriate, invite non-members of the Council to participate in their discussions during informal consultations of the

* This title to be reviewed when we reach the stage of institutionalization.

whole on matters directly affecting such members, under similar arrangements as stipulated in Articles 31 and 32 of the Charter.

Suggested amendments to subparagraph (e):

(1) Delete the entire subparagraph.

(2) In line 1, delete the words "as appropriate".

(3) Rephrase the subparagraph in the following way: "The non-members of the Security Council should be invited to participate in Council discussions during informal consultations of the whole on matters directly affecting them, under similar arrangements as stipulated in Articles 31 and 32 of the Charter."

12. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

G. "Arria formula"

13. Suggested improvements to the present practice

(a) Members of the Security Council could, as appropriate, on the initiative of a Council member, resort to the Arria formula, as an informal way to hear views and obtain or exchange information related to issues under consideration by the Council. The level of representation of the Security Council members should be commensurate with that of those invited.

Suggested amendments to subparagraph (a):

(1) Replace the first sentence with the following two sentences: "On the initiative of one of its members, and in keeping with rule 39 of its provisional rules of procedure, the Security Council could resort, as appropriate, to the Arria formula to hear views and obtain or exchange information with personalities, organizations, institutions or whomever it considers pertinent, involved in a conflict. At no time will the Security Council receive representatives of Governments of States Members of the United Nations under this mechanism."

(2) In the suggested amendment (1) above, delete the reference to rule 39 in the provisional rules of procedure.

(3) In the suggested amendment (1) above, insert the words "the members of" in line 3 before the words "the Security Council".

(4) In the suggested amendment (1) above, insert the words "based on the agreement of its members" in line 3 after the words "Security Council".

(5) In the suggested amendment (1) above, the first four lines should be replaced by the following text: "The Security Council should fully implement rule 39 of its provisional rules of procedure. Bearing in mind this rule, the Security Council may agree to resort as appropriate to the Arria formula as an informal way to hear views and obtain or exchange".

(6) In the suggested amendment (1) above, insert the words "as an informal way" in line 5 after the word "information".

(7) In the suggested amendment (1) above, delete the word "personalities,"in line 5.

(8) In the suggested amendment (1) above, insert the words "any persons whom" in place of the words "personalities, organizations, institutions or whomever" in line 5.

(9) In the suggested amendment (1) above, insert the words "in accordance with Article 65 of the Charter and as provided for by the Economic and Social Council" in line 5, after the words "organizations, institutions".

(10) In the suggested amendment (1) above, delete the words "involved in a conflict" in line 6.

(11) In the suggested amendment (1) above, insert "because of their responsibilities or personal or institutional influence, contribute to a better understanding of the situation under consideration" in place of the words "involved in a conflict" in line 6.

(12) In the suggested amendment (1) above, insert the words "issues before the Council" in line 6, in place of the words "involved in a conflict".

(13) Delete the entire sentence.

14. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

H. Meetings of the Security Council in accordance with Articles 35 and 99 of the Charter

15. Suggested improvements to the present practice

Requests for meetings of the Security Council in accordance with Articles 35 and 99 of the Charter should be immediately circulated as a document of the Council, and the requested meeting should be promptly convened.

16. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

I. Consultations pursuant to Article 50 of the Charter

17. Suggested improvements to the present practice

(a) The Security Council should take measures providing for more effective implementation of the right contained in Article 50 of the Charter for any State, whether a Member of the United Nations or not, to consult the Council with regard to problems arising from its implementation of preventive or enforcement measures imposed by the Council. Such consultations should be held promptly upon a request submitted by the State concerned;

(b) The Security Council should promptly establish an effective mechanism to provide relief to affected States under Article 50 of the Charter which would become immediately operational upon the receipt of such request;

Suggested amendment to subparagraph (b):

Delete the entire subparagraph.

(c) The Security Council should fully implement those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Question of sanctions imposed by the United Nations", that are relevant to the application of Article 50 of the Charter and relate to the working methods of the Security Council and the transparency of its work.

18. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

J. Mechanism to alert non-members of the Security Council to unscheduled or weekend meetings

19. Suggested improvements to the present practice

The Secretariat should establish an effective mechanism for alerting non-members of the Security Council of unscheduled emergency meetings of the Council, including information as to their subject matter and purpose, during nights, weekends and holidays (e.g., a voice recording, a Web site and/or an electronic message or facsimile transmission to all Member States). The President of the Council should make best efforts to give instructions to the Secretariat for such emergency notice to non-members of the Council at the earliest possible time, when unscheduled emergency meetings of the Council are anticipated.

20. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

K. Consultations between the President of the Security Council, the President of the General Assembly and the Secretary-General

21. Suggested improvements to the present practice

(a) The President of the Security Council, the President of the General Assembly and the Secretary-General should hold regular monthly consultations, to which members of the Bureau of the General Assembly could be invited, when the need arises. In the event of an international crisis or any other urgent development, such consultations should be held more frequently;

(b) The President of the Security Council is requested to raise with the President of the General Assembly, during their monthly informal meetings and when deemed appropriate, the measures mentioned in section E.9 (e) above. The President of the General Assembly should report to the Assembly on the steps taken by the Council in this regard;

(c) The President of the Security Council should brief the Chairmen of the regional groups on the programme of work of the Council at the beginning of the month and should later continue to inform them as appropriate and as need arises.

22. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

L. Consultations with funds, programmes and agencies

23. Suggested improvements to the present practice

(a) In cases when the Security Council is involved in mandating humanitarian and operational assistance, the President of the Council should consult the presidents of the executive boards concerned.

Suggested amendments to subparagraph (a):

(1) Replace the sentence with the following text from last year's CRP.4: "The conduct of operational and humanitarian activities must conform to the guiding principles of humanitarian assistance and the principles of United Nations development assistance. In cases when, as a transitory and exceptional measure, the Security Council is involved in overseeing and mandating humanitarian and operational assistance, the President of the Council should consult the presidents of the executive boards concerned before the Council acts. The decisions of the respective executive board and of the General Assembly shall be final in all aspects of such programmes."

(2) Insert the words "the principal officers of the organizations concerned" in place of the words "the presidents of the executive boards concerned" in line 3.

24. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

M. Records and archives

25. Suggested improvements to the present practice

(a) The Security Council should review its procedures and rules for the creation and maintenance of and access to the records and archives of its private and public meetings and consultations;

Suggested amendments to subparagraph (a):

(1) Delete the words "and consultations" in line 3.

(2) Insert the words "informal consultations of the whole" in place of the word "consultations" in line 3.

(3) Add the words "of the whole" after the word "consultations" in line 3.

(b) Procedures for promptly fulfilling requests for these records and archives by the accredited representatives of any member of the Security Council should be established;

Suggested amendments to subparagraph (b):

(1) Insert the word "considering" in place of "fulfilling" in line 1.

(2) Insert the words "access to" before the words "these records" in line 1.

(3) Insert the word "non-members" in place of the words "any member" in line 2.

(4) Insert the words "United Nations" in place of "Security Council" in line 2.

(5) Add a new subparagraph (b) *bis* reading: "Members of the Security Council shall at all times have the right to consult the records of the private meetings of the Council."

(c) In its annual report to the General Assembly, the Security Council should certify that the maintenance of its records and archives meets the established international standards for the management of records and archives.

26. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

III. Subsidiary organs of the Security Council

A. Sanctions committees

27. Suggested improvements to the present practice

(a) Summary records of the meetings of the sanctions committees, which do not compromise the confidentiality of the work of the committees, should be made available promptly to non-members of the Security Council;

(b) The sanctions committees should ensure that the administrative procedure of processing applications for exemptions from sanctions regimes is as efficient as possible in order to avoid delays in clearing applications and thus to minimize unintended adverse side effects of sanctions;

Suggested amendment to subparagraph (b):

Add the following as subparagraph (b) *bis*: "The countries specially affected by sanctions regimes, including target countries, should be given reasonable access to sanctions committees to explain their situations directly related to the implementation of sanctions."

(c) The Security Council should fully implement those sections in annex II to General Assembly resolution 51/242 of 15 September 1997, entitled "Questions of sanctions imposed by the United Nations", that are relevant to the procedures and working methods of the sanctions committees;

(d) The agenda of the formal meetings of the sanctions committees should be announced in the *Journal of the United Nations* in the same way as the agenda of the Security Council;

(e) Public information on the work of the sanctions committees should be made available on the Internet and through other means of communication.

28. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Other subsidiary organs

29. Suggested improvements to the present practice

Meetings of subsidiary organs of the Council established pursuant to Article 29 of the Charter should be more transparent and their proceedings, when appropriate, open to non-members of the Council. Such meetings should be announced in the *Journal of the United Nations*, and information about the proceedings, in particular those regarding decisions and recommendations, should be made available to non-members.

30. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

C. Briefings by the chairmen of sanctions committees and other subsidiary organs

31. Suggested improvements to the present practice

Chairmen of sanctions committees and other subsidiary organs of the Security Council, after each meeting, should give substantive and detailed briefings on their proceedings to non-members of the Council and, as appropriate, distribute documents which were considered in the course of such meetings. Such briefings should be announced in the *Journal of the United Nations*.

32. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

IV. Relationship between the Security Council and other principal organs of the United Nations

A. International Court of Justice

33. Suggested improvements to the present practice

In accordance with relevant provisions of the Charter, the Security Council should consider requesting more often the International Court of Justice to give an advisory opinion on any legal question.

Suggested amendments to subparagraph (a):

(1) Insert the words "request more often" in place of "consider requesting more often" in line 2.

(2) Insert the words "relevant to the work of the Security Council" at the end of the sentence.

34. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

B. Economic and Social Council

35. Suggested improvements to the present practice

In accordance with Article 65 of the Charter, the Security Council should consider requesting the Economic and Social Council to furnish it with information on matters relevant to the work of the Security Council.

36. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

V. Relationship between the Security Council and regional arrangements and agencies

37. Suggested improvements to the present practice

(a) Efforts to enhance regional capacities should not relieve the Security Council of its obligations under the Charter of the United Nations, which confers on it the primary responsibility for the maintenance of international peace and security;

(b) In its relations with regional arrangements and agencies, the Security Council should fully implement the relevant provisions of General Assembly resolution 49/57 of 9 December 1994 and annex I to resolution 51/242 of 15 September 1997, entitled "Coordination", bearing in mind the primary responsibility of the Security Council for the maintenance of international peace and security;

(c) Regional arrangements and agencies should be consulted on matters affecting the maintenance of international peace and security in accordance with Chapter VIII of the Charter and the relevant mandates of regional arrangements and agencies concerned.

Suggested amendment to subparagraph (c):

Insert the words "Close consultation should be maintained between the Security Council and regional arrangements and agencies" in place of the words "Regional arrangements and agencies should be consulted" in line 1.

38. Institutionalization

Incorporate provisions to this effect into the rules of procedure of the Security Council or, as appropriate, statements by the President of the Council.

VI. Rules of procedure and institutionalization of the measures taken by the Security Council to enhance its working methods and transparency

39. Suggested improvements to the present practice

The Security Council should finalize its provisional rules of procedure. Towards this end, the following steps should be taken by the Council:

(i) The arrangements regarding various measures that the Council has already adopted to enhance its methods and transparency, as well as the new measures discussed above, should be institutionalized as proposed by this Working Group in sections II to V of the present report;

(ii) After institutionalization of the measures described in subparagraph (i) above, there should be an overall review of the provisional rules of procedure, after which the word "provisional" should be deleted.

Annex XII

Letter dated 22 June 1999 sent to all permanent representatives to the United Nations by the President of the General Assembly in his capacity as Chairman of the Open-ended Working Group*

Excellency,

I wish to take this opportunity to share with you some thoughts about the current efforts of the Open-ended Working Group on Security Council reform.

During the present session, as before, the Working Group has addressed both cluster I and cluster II issues, and it is our intention to continue to deal with these questions in tandem.

On cluster II — the working methods of the Security Council — we have just concluded a first reading of a document, prepared by the Bureau (A/AC.247/1999/CRP.3), consisting of a number of proposed improvements to the present practices. During this week, we have started a drafting exercise, going through the document again from the beginning, with a view to finding out where there can be general agreement on the text and where further negotiations are needed. It is my opinion that there has been some not insignificant progress in these discussions, and I would like to encourage all delegations to take part in the continued drafting exercise.

On cluster I — the issue of expansion and related questions — differences among Member States are still substantial. However, the General Assembly was able, only last December, to resolve one of the controversial items in the Working Group by agreeing on a resolution regarding majority requirements for decisions on Security Council reform. The discussion on cluster I issues now continues in the Working Group, on the basis of a paper prepared by the Bureau (A/AC.247/1999/CRP.2/Rev.1) and also of a paper introduced by Colombia on behalf of a group of countries (A/AC.247/1999/CRP.4).

We have had a number of very constructive and substantial interventions during the last few days. It is my hope that all delegations, particularly those that have not yet done so, will now take the opportunity to comment on the issues raised in these papers, either in the Working Group itself or in direct contacts with me or with the Bureau, individually or together with other delegations.

The Working Group will soon start to consider its report to the General Assembly. It is my hope that before concluding our work this year, we could note, not only that our discussions have continued on a wide range of issues, but also that we have begun to record some movement towards general agreement on some of these issues.

Yours sincerely,

(*Signed*) Didier **Opertti**

* Previously issued as A/AC.247/1999/CRP.5.

Annex XIII

Letter dated 29 July 1999 from the Permanent Representative of Algeria transmitting the African position on the question of equitable representation on and increase in the membership of the Security Council*

In my capacity as Ambassador and Permanent Representative of Algeria and current Chairman of the Organization of African Unity (OAU), I have the honour to transmit to you herewith decision AHG/Decl.3 of 4 June 1997 adopted at the thirty-third session of the Assembly of Heads of State and Government, held at Harare, concerning the African position on the question of equitable representation on and increase in the membership of the Security Council (see appendix).

I also have the honour to draw to your attention the passage of the Declaration of Algiers adopted at the close of the thirty-fifth session of the Assembly of Heads of State and Government of OAU, held at Algiers from 12 to 14 July 1999, which reads as follows:

> "We reaffirm our commitment to respect for the major role and responsibilities of the United Nations and its Security Council in the maintenance of international peace and security. In this connection, we once again call for a genuine democratization of international relations based on the active participation and a balanced consideration of the legitimate concerns of all nations. We call in particular for the democratization of the United Nations and its Security Council, and the recognition of Africa's legitimate place within that organ."

* Previously issued as A/AC.247/1999/CRP.7.

Appendix

Harare Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the reform of the United Nations Security Council

We, the Heads of State and Government of the Organization of African Unity meeting at our thirty-third ordinary session at Harare from 2 to 4 June 1997,

Reaffirming the Declaration we adopted at Tunis at the thirtieth ordinary session of our Assembly, on the reform of the United Nations Security Council,

Reiterating the need to democratize the Security Council and make it more efficient and transparent,

Convinced of the necessity to enlarge the composition of the Security Council and reform its decision-making process,

Stressing the imperative need for ensuring equitable geographical representation in the Security Council,

Recognizing the collective responsibility of maintaining international peace and security in accordance with the provisions of the Charter of the United Nations,

Declare as follows:

1. The composition of the Security Council should be democratized to reflect the increase in the number of States Members of the United Nations;

2. The membership of the Security Council should be expanded to 26. This expansion of the Security Council should embrace both categories of its membership, for the benefit of developing countries, and African countries in particular:

(a) Africa should be allocated no less than two permanent seats. These seats will be allotted to countries by a decision of Africans themselves, in accordance with a system of rotation based on the current established criteria of the Organization of African Unity and subsequent elements which might improve upon those criteria;

(b) Africa should be allocated five non-permanent seats in the expanded Security Council;

3. New permanent members should be granted the same prerogatives and powers as the current members. Ultimately, the permanent members should also be nominated by their respective regions and elected by the General Assembly. Such a system of periodic elections of permanent members of the Security Council will in the final analysis ensure that the decisions of the Council are less subject to the strictly national interests of its various members;

4. It is necessary to strengthen the transparency of the Security Council, improve upon its functioning, methods of work, decision-making process and relations with States non-members of the Council. We endorse the measures proposed in the relevant document of the Movement of Non-Aligned Countries, adopted at New Delhi on 8 April 1997;

5. A periodic review of the structure and functioning of the Security Council is necessary in order to enable it to respond better and more effectively to the new challenges in international relations, especially with regard to international peace and security;

6. By adopting these decisions, we reaffirm that:

(a) Efforts aimed at restructuring the Security Council should not be subjected to a predetermined timetable. While we recognize the need to deal with the issue as a matter of urgency, no decision should be taken before a general agreement has been reached;

(b) The same importance should be accorded to the enlargement of the composition of the Security Council and improvement in its method of work;

(c) The exercise of the right of veto should be progressively curtailed until abrogated;

7. In pursuit of the above, we:

(a) Direct the Group of African States at the United Nations to continue to consider in detail the proposals submitted to the Open-ended Working Group on the restructuring of the Security Council in order to arrive at a general agreement which takes into account the interests of Africa;

(b) Mandate our Permanent Representatives at the United Nations in New York to continue to defend the African common position and examine in greater detail the concept and modalities of rotation as well as its application to the permanent seats;

8. Finally, we request our Ministers for Foreign Affairs to remain seized of the matter and its developments.

Annex XIV

Letter dated 29 July 1999 from the Permanent Representative of the Republic of Korea transmitting a letter dated 22 December 1997 signed by ten elected members of the Security Council: Chile, Costa Rica, Egypt, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of Korea and Sweden*

The Permanent Representative of the Republic of Korea to the United Nations presents his compliments to the Chairman of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council, and has the honour to make a request, on behalf of Chile, Costa Rica, Egypt, Guinea-Bissau, Japan, Kenya, Poland, Portugal, the Republic of Korea and Sweden, to circulate the enclosed letter on the working methods of the Security Council to the Open-ended Working Group (see appendix I).

The letter, signed by all the then 10 elected members of the Security Council on 22 December 1997, contains a number of proposals for improving the working methods of the Security Council.

Delegations of the 10 countries have worked hard together to translate as many elements as possible from the letter into the conference room paper of the Working Group on cluster II issues. It is our belief that the circulation of the letter will contribute to the future consideration of the Open-ended Working Group on cluster II issues.

* Previously issued as A/AC.247/1999/CRP.8.

Appendix I

Letter dated 22 December 1997 signed by ten elected members of the Security Council: Chile, Costa Rica, Egypt, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of Korea and Sweden

We have the pleasure to attach herewith a preliminary position paper on the continued improvement of the working methods of the Security Council, with a view to enabling the Council to better discharge its primary responsibilities in the maintenance of international peace and security (see appendix II).

The members of the Security Council signatories to this letter have taken due note of various measures adopted by the Council in the past few years aimed at increasing transparency and improving its working methods, in particular at improving the interrelationship between the Council and the States Members of the United Nations.

It is our view, as members of the Security Council, that the measures already adopted by the Council should be institutionalized and further strengthened and that additional measures should be taken to enhance the transparency of its working methods and decision-making procedures. The additional measures should also be institutionalized by the Security Council to ensure their transparent and systematic implementation.

Implementation of these measures would also help create a more responsive active and open decision-making process in the Council. This requires the initiation of a process to re-examine the provisional rules of procedure of the Council, which were last amended in 1982. Many of the attached proposed measures should be incorporated in the provisional rules of procedure. A related aspect of this exercise is to review the informal practices developed through the years to regulate the work in the informal consultations. A process of registration of such practices should be embarked upon to provide elements of clarity and certainty without in any way hindering the Council from developing and further articulating these practices.

It is our hope that the measures outlined in appendix II will be the subject of in-depth discussion among all members of the Council, with a view to reaching agreement on concrete improvements in this crucial field. We would be grateful if you could arrange for this paper to be the subject of informal consultations of the whole as soon as possible.

(*Signed*) H.E. Mr. Juan **Somavia**
Ambassador
Permanent Representative of Chile to the United Nations

(*Signed*) H.E. Mr. Fernando **Berrocal Soto**
Ambassador
Permanent Representative of Costa Rica to the United Nations

(*Signed*) H.E. Dr. Nabil **Elaraby**
Ambassador
Permanent Representative of Egypt to the United Nations

(*Signed*) H.E. Mr. Alfredo Lopes **Cabral**
Ambassador
Permanent Representative of Guinea-Bissau to the United Nations

(*Signed*) H.E. Mr. Hisashi **Owada**
Ambassador
Permanent Representative of Japan to the United Nations

(*Signed*) H.E. Mr. Njuguna M. **Mahugu**
Ambassador
Permanent Representative of Kenya to the United Nations

(*Signed*) H.E. Dr. Zbigniew M. **Wlosowicz**
Ambassador
Permanent Representative of Poland to the United Nations

(*Signed*) H.E. Mr. Antonio **Monteiro**
Ambassador
Permanent Representative of Portugal to the United Nations

(*Signed*) H.E. Mr. **Park** Soo Gil
Ambassador
Permanent Representative of the Republic of Korea to the United Nations

(*Signed*) H.E. Mr. Hans **Dahlgren**
Ambassador
Permanent Representative of Sweden to the United Nations

Appendix II

Position paper on working methods of the Security Council

1. The Security Council should proceed to finalize its provisional rules of procedure, including the new methods of work and the new practices which have been agreed upon and are being implemented, without prejudice to further improvement of the working methods of the Council and their flexible application.

2. Open public meetings should be held at any stage of the consideration of a subject, in lieu of informal consultations of the whole. Whenever necessary, the Council could meet in private formal sessions. Written records should be ensured for formal sessions of the Council, public or private. Informal consultations of the whole could be held whenever necessary but not as the main way for the Council to conduct its business. Orientation debates previously announced and with the participation of States not members of the Council should be held prior to the Council's taking a decision on a particular matter.

3. The Security Council should apply strictly the relevant provisions of the Charter of the United Nations and the Council's rules of procedure, particularly those related to ensuring that any Member of the United Nations and any State which is not a member of the United Nations as well as members of the Secretariat or any other person may participate or be invited to participate, as appropriate, in the discussion of any item before the Council and be given adequate opportunity to address the Council in an appropriate forum.

4. The Security Council should consider allowing States non-members of the Council to make statements at the meetings in which a statement is made by the President on behalf of members of the Council.

5. Meetings held under the Arria formula are designed to allow members of the Council to obtain information related to issues under consideration from any source, not least of a non-governmental nature. "Arria" meetings are not the privileged format for the Council to meet with representatives of States; formal meetings of the Council, according to the Charter and the existing provisional rules, are. By virtue of their informal character, "Arria" meetings do not require formal acquiescence by all members of the Council. However, all Security Council members should be encouraged to participate.

6. Briefings by the Secretary-General or any United Nations official acting on his behalf should, as appropriate, be made at a formal meeting of the Security Council in public or private session in accordance with rule 39 of the Council's provisional rules of procedure. Written records of such briefings should therefore be ensured.

7. Before the Security Council imposes sanctions on any Member State or reviews sanctions imposed on any State, a formal meeting of the Council should be held as a general rule where opportunity should be given to the State or States concerned or the State under sanctions as well as other neighbouring and interested States to present their views in accordance with Articles 31 and 32 of the Charter at an appropriate time.

8. Briefings by the President of the Security Council to the general membership should be substantive and conducted promptly after each informal consultation of the whole, including information on draft resolutions and/or presidential statements under consideration at such consultations. Members of the Security Council should be encouraged to follow a transparent approach with other States not members of the Security Council concerning the work of the Council with a view to benefiting from their views on subject matters under consideration.

9. The Sanctions Committees should further enhance transparency in their work through publishing the summary records for each meeting of the committees in a timely manner.

10. Consultations with troop-contributing countries should ensure more active participation of members of the Council as well as troop-contributing States through:

(a) The participation of potential troop contributors and other substantial contributors in the consultations in the preparatory phase of each operation as well as when the mandates of the operations are extended or changed;

(b) The preparation of a summary of the troop contributor consultations to be made available to all Member States; and

(c) The holding of presidential briefings for the general membership on the results of troop contributors' meetings.

11. Agenda items of formal Council meetings and informal consultations of the whole published in the *Journal* should be more specific.

12. The Council should make a tentative forecast of its programme of work more available to the general membership, as stated in the note by the President dated 27 July 1993, preferably as a document of the Security Council, and include the provisional monthly programme of work of the Security Council. In this regard, the Council should consider the programme of work for the month in a formal session.

13. An effective mechanism should be established to alert States non-members of the Council of emergency, previously unscheduled and/or weekend meetings of the Security Council. The Secretariat should undertake the necessary measures to this end.

14. The descriptive part of the annual report of the Council should include a factual summary of the discussions at the consultations of the whole on all issues considered by the Council, as well as a summary of the deliberations of the Sanctions Committees. Information regarding the substantive work of the subsidiary organs of the Council, including the Sanctions Committees, should be included in the annex to the annual report.

15. The Security Council should consider implementing the provisions of Article 24, paragraph 3, of the Charter by presenting special reports, when necessary, to the General Assembly. The Security Council should identify such necessary cases taking into account all relevant factors.

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